THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO.25813 OF 2005

Dated 8th December 2005

Between:

Ch.C.Shekar & another

…Petitioners

And

The Regional Manager, APSRTC, Karimnagar Region,

Karimnagar & others

…Respondents

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO. 25813 OF 2005

O R D E R:

The petitioners are enlisted as Daily Wage Drivers, in Karimnagar Region of APSRTC, and they are working at Metpally Depot. The Depot Manager, Metpally Depot, the 3rd respondent herein, addressed a letter, dated 28.11.2005, to the Regional Manager, Hyderabad City Region, stating that the services of the petitioners be temporarily utilized. The petitioners contend that they are paid meager salaries, and it would be difficult for them, to have an establishment at Hyderabad, that too, when their engagement itself is uncertain. It is also contended that they would take their chance, according to the seniority, on rotation, and that the proposed transfer be set at naught.

Heard the learned counsel for the petitioners and the learned Standing Counsel for respondents.

On the ground that the petitioners have become surplus at Metpally Depot, the 3rd respondent proposed to keep them at the disposal of the Regional Manager, Hyderabad City Region. This Court would have been hesitant to interfere with the same, had it been a case where the petitioners are employed on regular basis, with the Regional Manager, Hyderabad City Region. Whether the petitioners are with the 3rd respondent as of now, or with the Regional Manager, Hyderabad City Region, after such a transfer, the engagement of the petitioners is strictly on rotation basis, and subject to availability of work. Requiring them to reside at Hyderabad for all those days, would certainly cause hardship to them. When the petitioners themselves are prepared to work under the existing conditions, the 3rd respondent cannot have any plausible objection.

For the foregoing reasons, the writ petition is allowed, and it is directed that the petitioners be continued on the rolls of the

3rd respondent. The engagement of the petitioners shall be subject to availability of work, and in accordance with seniority maintained for them. There shall be no order as to costs.

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8th December 2005

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